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A33403-PCT-USA-A / 072854.0114
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Potter et al.
Serial No. : 09/633,697 Examiner: Thomas C. McKenzie
Filed : August 7, 2000 Group Art Unit: 1624
For : HYDROXYLATION DRUG RELEASE

REQUEST FOR RECONSIDERATION TRANSMITTAL LETTER

June 4, 2002

BY EXPRESS MAIL NO. ET346778700US

BOX PATENT APPLICATION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Transmitted herewith is a REQUEST FOR RECONSIDERATION WITH TECHNICAL AMENDMENTS, which is responsive to the Office Action dated December 5, 2001, to be made of record in the above-identified patent application.

Small Entity Status:

☐ Small entity status of this application under 37 CFR 1.9 and 1.27

☐ has been established previously. Such status is still proper and desired.

☐ is claimed.

Extension of Time Request:

☒ An extension of time to respond to the PTO communication is hereby requested. The required fee for extension, indicated below, is enclosed herewith.

RECEIVED
JUN 14 2002
TECH CENTER 1600/2900

Extension for response (check only one):

| | <u>SMALL ENTITY</u> | | <u>OTHER THAN SMALL ENTITY</u> | |
|--------------------------------------|--------------------------|--------|-------------------------------------|----------|
| within first month under 1.17(a)(1) | <input type="checkbox"/> | \$55. | <input type="checkbox"/> | \$110. |
| within second month under 1.17(a)(2) | <input type="checkbox"/> | \$200. | <input type="checkbox"/> | \$400. |
| within third month under 1.17(a)(3) | <input type="checkbox"/> | \$460. | <input checked="" type="checkbox"/> | \$920. |
| within fourth month under 1.17(a)(4) | <input type="checkbox"/> | \$720. | <input type="checkbox"/> | \$1,440. |

☐ An extension for ___ months has already been secured and the fee paid therefore of \$_____ is deducted from the total fee due for the total months of extension now requested. The extension fee due with this request is \$_____.

☒ In the event that an extension of time is required, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Fee Calculation:

☒ The fee has been calculated as shown below:

| | (Col. 1) Claims Remaining After <u>Amendment</u> | (Col. 2) Highest No. Previously <u>Paid For</u> | (Col. 3) Present Extra <u>Claims</u> | <u>Small Entity</u> <u>Rate</u> <u>Fee</u> | | OR | <u>Other Than A</u> <u>Small Entity</u> <u>Rate</u> <u>Fee</u> | |
|---|--|--|---|---|-------|--------|--|-------------------|
| Total Claims* | 17 minus** | 20 =0 | 0 | x | 9 = | \$0.00 | x | 18 = \$0.00 |
| Ind. Claims* | 3 minus*** | 3 = | 0 | x | 0 = | \$0.00 | x | 80 = \$0.00 |
| () First Presentation of Multiple Dependent Claim | | | | + | 135 = | | + | 270 = \$0.00 |
| Total Additional Fee | | | | | | \$0.00 | | \$0.00 |

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid For" in this space is less than 20, write "20" in this space.

*** If the "Highest No. Previously Paid For" in this space is less than 3, write "3" in this space.

Method of Fee Payment:

☒ A check of \$920.00 is attached herewith (extension of time for three months)

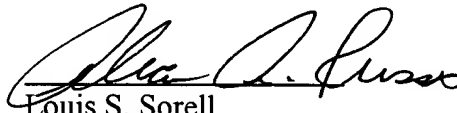
☐ Please charge our Deposit Account no. 02-4377 in the amount of \$____. Two copies of this sheet are enclosed.

☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 02-4377. Two copies of this sheet are enclosed.

☐ The Commissioner is conditionally authorized to charge payment of any fees associated with this application or credit any overpayment to Deposit Account No. 02-4377. Two copies of this sheet are enclosed.

Respectfully submitted,

BAKER BOTTS, L.L.P.



Louis S. Sorell

Patent Office Reg. No. 32,439

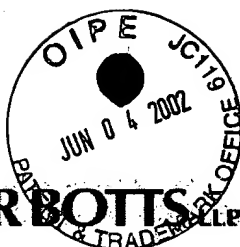
Alicia A. Russo

PTO Reg. No. 46,192

Attorneys for Applicants

(212) 408-2500

Enclosures



BAKER BOTTS LLP

06-05-02

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JUN 14 2002

TECH CENTER 1600/2900

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 920

Complete if Known

| | |
|----------------------|---------------------------|
| Application Number | 09/633,697 |
| Filing Date | August 7, 2000 |
| First Named Inventor | Potter et al. |
| Examiner Name | Thomas C. McKenzie |
| Group Art Unit | 1624 |
| Attorney Docket No. | A33403PCTUSA-A072854.0114 |

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number **02-4377**
- Deposit Account Name **Baker Botts LLP**
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☒ Payment Enclosed:
- ☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|------------------------|----------|
| 740 | 370 | Utility filing fee | |
| 330 | 165 | Design filing fee | |
| 510 | 255 | Plant filing fee | |
| 740 | 370 | Reissue filing fee | |
| 160 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$ 0

2. EXTRA CLAIM FEES

Total Claims - 20 ** = 0 x Fee from below = 0

Independent Claims - 3 ** = 0 x Fee Paid = 0

Multiple Dependent =

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description |
|-----------------------|-----------------------|--|
| 18 | 9 | Claims in excess of 20 |
| 84 | 42 | Independent claims in excess of 3 |
| 280 | 140 | Multiple dependent claim, if not paid |
| 84 | 42 | ** Reissue independent claims over original patent |
| 18 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|--|----------|
| 130 | 65 | Surcharge - late filing fee or oath | |
| 50 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 130 | 130 | Non-English specification | |
| 2,520 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 920* | 920* | Requesting publication of SIR prior to Examiner action | |
| 1,840* | 1,840* | Requesting publication of SIR after Examiner action | |
| 110 | 55 | Extension for reply within first month | |
| 400 | 200 | Extension for reply within second month | |
| 920 | 460 | Extension for reply within third month | 920 |
| 1,440 | 720 | Extension for reply within fourth month | |
| 1,960 | 980 | Extension for reply within fifth month | |
| 320 | 160 | Notice of Appeal | |
| 320 | 160 | Filing a brief in support of an appeal | |
| 280 | 140 | Request for oral hearing | |
| 1,510 | 1,510 | Petition to institute a public use proceeding | |
| 110 | 55 | Petition to revive - unavoidable | |
| 1,280 | 640 | Petition to revive - unintentional | |
| 1,280 | 640 | Utility issue fee (or reissue) | |
| 460 | 230 | Design issue fee | |
| 620 | 310 | Plant issue fee | |
| 130 | 130 | Petitions to the Commissioner | |
| 50 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 180 | 180 | Submission of Information Disclosure Stmt | |
| 40 | 40 | Recording each patent assignment per property (times number of properties) | |
| 740 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 740 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 740 | 370 | Request for Continued Examination (RCE) | |
| 900 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 920

SUBMITTED BY

| | | | | | |
|-------------------|------------------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Alicia A. Russo | Registration No. (Attorney/Agent) | 46,192 | Telephone | 212-408-2627 |
| Signature | <i>Alicia A. Russo</i> | Date | | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

#191D
6/20/02
C. Style

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Applicant : Potter et al.
Serial No. : 09/633,697 Examiner: McKenzie, T.
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REQUEST FOR RECONSIDERATION WITH TECHNICAL AMENDMENTS

June 4, 2002

By Express Mail No: ET346778700US

Assistant Commissioner of Patents
Washington D.C. 20231

Sir:

This is in response to the Office Action dated December 5, 2001. This communication is filed concurrently with a Request for Extension of Time of 3 months together with the required fee, bringing the due date for response up through June 5, 2002. Please consider the following amendments and remarks.

03/29/2004 SDIRETA1 00000003 09633697
01 FC:117 -920.00 DP

03/29/2004 SDIRETA1 00000001 09633697
01 FC:2253 460.00 DP

06/10/2002 AOSMAN1 00000003 09633697
01 FC:117 920.00 DP

Repl. Ref: 03/29/2004 SDIRETA1 0008120100
Date: 06/23/02 Date/Number: 09633697
FC: 9204 \$460.00 CR

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